

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.39468 OF 2017

ORDER:

Heard learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner studied upto B.Com., and he was appointed as Junior Assistant on compassionate grounds on 07.09.2011 consequent to the death of his father. He worked in various places. While so, when he was working in Morthad, Nizamabad District, a show cause notice was issued on 04.05.2016 alleging certain lapses committed by him while he was working as Junior Assistant, Armoor. He submitted his explanation on 10.06.2016. However, ultimately, after considering the explanation, an order was passed on 22.05.2017 imposing the minor punishment of one increment without cumulative effect besides ordering recovery of an amount of Rs.50,000/- from his salary. Against the said order, the petitioner preferred an Appeal to the first respondent on 06.07.2017 and in the said Appeal, he stated that the punishment was imposed without passing any speaking order and without considering his explanation. In spite of the same, when the first respondent dismissed the Appeal on 27.09.2017 without considering the grounds of Appeal and without giving any reasons, the present writ petition is filed.

Though the appellate Order runs into five pages, till the penultimate paragraph of the appellate Order, the grounds were extracted and the Appeal was dismissed observing as follows.

“5. Accordingly, Sri K.Aravind, Ex-Jr.Asst/P.AS/D.O/ Armoor, now Jr.Asst/ERO, Morthad, is awarded with the punishment of “Postponement of (1) increment without cumulative effect” besides recovery of an amount of Rs.50,000/- (Rupees fifty thousand only) from his salary”.”

When the petitioner filed an Appeal alleging that the punishment was imposed without considering his explanation and containing any reasons, atleast the appellate Authority should have considered the explanation of the petitioner, the ground of Appeal and pass a reasoned order. Since the impugned order does not contain any reasons, this Court is constrained to set aside the impugned order dated 27.09.2017 and remands the matter to the first respondent for passing fresh orders in accordance with law, within a period of three months from the date of receipt of copy of this order.

The writ petition is accordingly allowed at the admission stage. Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

11.12.2017
pln

A.RAMALINGESWARA RAO, J

